

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT AUTHORIZATION

MAY 15, 1975.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and
Fisheries, submitted the following

REPORT together with ADDITIONAL VIEWS

[To accompany H.R. 5710]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 5710) to authorize appropriations for fiscal year 1976 for the purpose of carrying out titles I and III of the Marine Protection Research, and Sanctuaries Act of 1972, as amended, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1420), is amended by striking out "an not to exceed \$5,500,000 for fiscal years 1974 and 1975," and inserting in lieu thereof the following: "not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976)."

SEC. 2. Section 202(c) of the Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1442(c)) is amended by striking out "January" and inserting in lieu thereof "March".

SEC. 3. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976)."

SEC. 4. Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended to read as follows:

"SEC. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, and not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976) to carry out the provisions of this title, including the

acquisition, development, and operation of marine sanctuaries designated under this title."

Amend the title so as to read :

A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 5710 is to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize for fiscal year 1976 and for the transition period between fiscal years 1976 and 1977, the necessary funding under titles I, II, and III of the Act.

LEGISLATIVE BACKGROUND FOR THE LEGISLATION

H.R. 5710 was introduced on April 8, 1975, by Mrs. Sullivan, and co-sponsored by Mr. Murphy of New York, Mr. Leggett, and Mr. Forsythe. H.R. 6282 was introduced on April 22, 1975, as a result of Executive Communication No. 839 from the Administrator of the U.S. Environmental Protection Agency. H.R. 6282 was also sponsored by Mrs. Sullivan, and co-sponsored by Mr. Murphy of New York, Mr. Leggett, and Mr. Forsythe.

The first of these bills, H.R. 5710, extended appropriations authorizations under title I and title III of the Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92-532). The bill authorized to be appropriated for fiscal year 1976 only the sum of \$1.5 million to carry out the purpose of title I and the sum of \$10 million to carry out the purposes of title III.

On the other hand, H.R. 6282, which was introduced as a result of an Executive Communication from EPA, extended the life of title I of the Act for a 2-year period covering fiscal years 1976 and 1977. The sums authorized to be appropriated were proposed to be \$1.26 million for fiscal year 1976 and \$1.4 million for fiscal year 1977.

The Subcommittees on Oceanography and Fisheries and Wildlife Conservation and the Environment held joint hearings on these bills on April 24 and April 25, 1975. All of the witnesses appearing before the Subcommittees were in strong support of continuing the authorizations for both titles of the Act.

During the course of the hearings, the U.S. Coast Guard and the U.S. Army Corps of Engineers supported the extension of funding for titles I and III, but they deferred to the views of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration respectively. It was felt that EPA and NOAA had the primary responsibility for these titles.

After giving careful consideration to the testimony presented at the hearings, the Subcommittees ordered H.R. 5710 reported to the full Committee with amendments. H.R. 5710 was chosen in lieu of H.R. 6282 so as to provide for a one-year authorization for title I and title III, including the transition period for all three titles. H.R. 5710 was taken up in full Committee on May 7, 1975 and it was unanimously ordered reported to the House, with amendments, by voice vote. The

amendments are explained in detail under the General Discussion section of this report.

LEGISLATIVE HISTORY

The President directed the Council on Environmental Quality to make a study of ocean disposal of waste materials in 1970. Results of that study, in the form of a published report entitled *Ocean Dumping—A National Policy*, were presented to the President in October of that year. The Council's report acted as the basis for the Administration's proposal, which resulted in Public Law 92-532 (Marine Protection, Research and Sanctuaries Act of 1972). The Public Law was originally reported out of the Committee on Merchant Marine and Fisheries in the form of H.R. 9727 during the first session of the 92d Congress. Basically, this legislation established the Council's report as national policy.

While Congress was developing this legislation, the Administration took action to secure an international agreement covering identical subject matter. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter resulted from the executive branch's efforts. Ratified by the United States, the Convention's provisions were incorporated into Public Law 93-254, enacted March 27, 1974. Certain provisions of this amending legislation became effective immediately upon enactment; other provisions will not follow suit until a minimum of 15 countries have ratified the treaty. As of this report, only 11 ratifications have been accomplished.

The Act, as amended, establishes administrative control over the dumping of certain materials into ocean waters within any area of the United States or its territories. In addition, the Act controls any dumping of materials originating outside of the United States if such dumping occurs within any area under the jurisdiction or control of the United States, or if the transportation of such materials is undertaken by Federal departments and agencies, or on U.S.-flag vessels.

Title III of this Act provides authority to the Secretary of Commerce to designate areas of ocean and coastal waters as marine sanctuaries. These marine sanctuaries would be established for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values.

GENERAL DISCUSSION

When the Marine Protection, Research, and Sanctuaries Act of 1972 was enacted into law, the Congress made a national commitment to protect ocean waters from the unregulated disposal of wastes and toxic material. Prior to the passage of this Act, dumping of materials into the marine environment was completely unregulated, despite existing knowledge that many disposals had an adverse effect on the oceans and adjacent or connecting waters.

The Act charged the Environmental Protection Agency and the U.S. Army Corps of Engineers with responsibility for the evaluation and issuance of permits for ocean dumping. The U.S. Coast Guard was directed to maintain surveillance of dumping practices, assuring compliance with permit regulations. Because of the obvious absence of

scientific knowledge relating to the effects on the marine environment surrounding the disposal sites, the Act directed the National Oceanic and Atmospheric Administration to conduct studies of present and projected ocean dumping areas.

The Secretary of Commerce delegated authority for marine sanctuary program evaluation to the National Oceanic and Atmospheric Administration. NOAA has developed the basis for implementing and managing this program, and the Nation's first marine sanctuary has been established over the site of the U.S.S. *Monitor* wreckage. The marine sanctuary title of the Act is a powerful tool for conservation and protection of our country's more valuable marine areas. There is a clear need to continue funding of this program now that all of the implementing regulations are in force.

Oversight hearings were held during May of 1974 by the Subcommittees on Oceanography and Fisheries and Wildlife Conservation and the Environment. These hearings evaluated the effectiveness of the Act's administration. It was determined by the Subcommittees that the responsible agencies should be more closely monitored to assure that the objectives mandated by Congress were, in fact, accomplished.

During the authorization hearings held on 24 and 25 April, 1975, testimony was received from the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, U.S. Coast Guard, National Wildlife Federation, and the various State and local officials. The Coast Guard and the Corps of Engineers maintained that funding to properly implement this Act was derived from within their own budgetary structure. Therefore, it was not necessary for these agencies to seek funding authorizations through title I. Because of the time constraint imposed this year on the reporting of authorizations out of committees, there was not sufficient time for the Subcommittees to adequately substantiate these contentions by the Coast Guard and the Corps. The Subcommittees intend to conduct an indepth study of this budget process during further oversight hearings this session.

The Environmental Protection Agency's funding is obtained solely through title I. Their authorization request consisted of 1.26 million dollars this year as opposed to previous requests for 5.5 million. The Committee attempted to learn the reasoning behind such a decreased request from EPA, but the agency could not provide a reasonable explanation. In the testimony presented, it was clear that there were many on-going and projected studies of a priority nature which could not be realistically funded within the requested authorization level. EPA and other witnesses indicated that a minimum of 11 site surveys and several baseline surveys were essential to evaluate existing dump sites. The stated minimum costs for such studies were not consistent with the level of funding requested by this agency. Therefore, it was determined by the Committee that the Environmental Protection Agency could not properly administer this vital national effort without funding at a minimum level of 5.3 million dollars for fiscal year 1976. Assuming that this authorization was approved and the funds appropriated, the Environmental Protection Agency could expend the funds to accomplish the following objectives:

Administrative costs expended by EPA for personnel, contracts, and interagency agreements (based upon fiscal year 1975 figures)-----	\$1, 300, 000
Projected costs necessary to conduct 11 site surveys on the existing designated dumping areas-----	2, 200, 000
Projected costs necessary to conduct a minimum of 2 baseline surveys accomplished for the purpose of evaluating future dumping areas---	1, 600, 000
Additional personnel costs to augment the 26 positions presently programmed for ocean dumping within EPA-----	200, 000
Total authorization level necessary-----	5, 300, 000

The Committee, in determining the necessary level of funding for the continuation of title I, believes that the present program of scientific evaluation of dump sites and waste materials is not adequate. If our nation is to terminate all ocean dumping not clearly demonstrated to be safe, the dumping sites presently used must be properly studied to determine the effects such disposal is having on our marine ecosystem. Further research must be conducted to establish the basic criteria with which to evaluate disposal permit applications. Existing knowledge is not adequate to accomplish these objectives, and only by a continuing program of evaluation and research can our Nation ever expect to meet its obligation for the proper regulation of ocean dumping.

An extension of authorizations for only 1 year, including the transition period between fiscal year 1976 and fiscal year 1977, was adopted so as to give the Committee the opportunity to conduct further oversight hearings during this session of Congress. This was considered necessary by the Committee since the on-going programs to monitor and control ocean dumping activities must be analyzed often enough to assure that authorization levels are consistent with agency and department requirements.

NEED FOR THIS LEGISLATION

Prior to the enactment of this Act by Congress, the need for ocean dumping legislation was well stated in the summary findings of the Council on Environmental Quality:

Ocean-dumped wastes are heavily concentrated and contain materials that have a number of adverse affects. Many are toxic to human and marine life, deplete oxygen necessary to maintain the marine ecosystem, reduce populations of fish and other economic resources, and damage esthetic values. In some areas, the environmental conditions created by ocean disposal of wastes are serious.

The Council study indicates that the volume of waste materials dumped in the ocean is growing rapidly. Because the capacity of land-based waste disposal sites is becoming exhausted in some coastal cities, communities are looking to the ocean as a dumping ground for their wastes. Faced with higher water quality standards, industries may also look to the ocean for disposal. The result could be a massive increase in the already growing level of ocean dumping. If this occurs, environmental deterioration will become widespread. . . .

The Council's findings are as accurate now as they were in 1970. The Marine Protection, Research, and Sanctuaries Act is presently in its

third year and yet the total volume of ocean disposal has steadily increased. We have been successful in preventing disposal of highly toxic and other dangerous pollutants, but our Nation is still faced with the enormous task of regulating dumping of millions of tons of potentially toxic wastes annually. The estimated dumping total for 1973 was increased more than 40 percent over the 62 million ton figure of 5 years earlier.

It is recognized by this Committee that the waste assimilative capacity of the oceans is enormous. The question remains as to which of these wastes can be safely accepted into the marine environment. The answers to this question lie in continuous and thorough biological and physical oceanographic research. The Committee is providing what it believes to be a proper level of funding necessary to carry out the provisions of the Act.

The Congress should not attempt to envision the end without considering the means. Since the Congress envisioned that unsafe ocean dumping would cease in the future, it has the responsibility to provide funds for conducting necessary studies to stop this devastation of our marine environment. The polluted Great-Lakes stand as a tragic example of what can occur to our natural resources without adequate planning. This Committee does not choose to be as careless with our oceans.

ESTIMATED COST OF THE LEGISLATION

Pursuant to Clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee estimates that the cost of the legislation will be as follows:

(In thousands of dollars)

	Fiscal year 1976	Transition period, July 1 to Sept. 30
Title I.....	\$5,300	\$1,325
Title II.....	10	1,500
Title III.....	8,200	1,550
Total.....	11,500	4,375
Grand total.....		15,875

1 Authorized pursuant to present law.

COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirements of Clause 2(1)(3) of House Rule XI of the Rules of the House of Representatives—

(A) No oversight hearings were held on the administration of this Act during this session of Congress. By limiting these authorizations to 1 year, the Committee intends to utilize the remaining time in this session to conduct the necessary oversight hearings prior to the next authorization hearings.

(B) Section 308(a) of the Congressional Budget Act of 1974 is not presently in effect. Therefore, no statement is furnished.

(C) No estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget

Office, pursuant to section 403 of the Congressional Budget Act of 1974.

(D) The Committee on Government Operations has sent no report to the Committee on Merchant Marine and Fisheries pursuant to Clause 2(b) (2) of Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to Clause 2(1)(4) of Rule XI, Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 5710 would have no significant inflationary impact on the prices and costs in the national economy.

This legislative proposal provided for an overall decrease in proposed expenditures when compared to previous authorization requests. There has been a contraction of support for basic scientific research by various agencies of the Federal Government. This has resulted in a less than full utilization of our Nation's scientists. Therefore, the funds provided by this bill would not contribute to competitive pressures for manpower and materials.

The objectives of the research proposed in this legislation could result in the development of new technology which, subsequently, could contribute to new methods of manufacturing and new service functions. Because this authorization does not change any present trend in spending, the Committee does not feel that there would be any significant inflation factor involved.

DEPARTMENTAL REPORTS

Views were requested from the Department of Commerce, the Department of Transportation, the Environmental Protection Agency, the Council on Environmental Quality, and the Department of Defense. The Departments of Commerce and Defense were the only agencies to respond. Those reports follow herewith:

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE

Washington, D.C., April 23, 1975.

HON. LEONOR K. SULLIVAN,

Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: This is in response to your request for the views of this Department with respect to H.R. 5710, a bill "To authorize appropriations for fiscal year 1976 for the purpose of carrying out titles I and III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended."

The first section of the bill would amend Section 111 of the Act to extend the authorization of funds through fiscal year 1976 in an amount not to exceed \$1,500,000.

Section 2 of the bill would amend Section 304 of the Act to extend Title III for one year through fiscal year 1976 at the existing level of \$10 million per fiscal year.

Title I outlines the regulatory provisions of the Act through a system of permits, criteria, and dumpsite designations. While these regulatory

functions have been assigned to the Environmental Protection Agency (EPA), the Corps of Engineers, and the Coast Guard, the Department of Commerce through the National Oceanic and Atmospheric Administration (NOAA) actively works with these agencies by providing advice and comments in the formulation of regulations; by commenting on ocean dumping permit requests within the context of the Fish and Wildlife Coordination Act, as amended; and by providing environmental assessments of existing or proposed dumpsites through the use of our scientific and technical expertise. Although NOAA plays only a supportive role with respect to Title I, we do feel that the Marine Protection, Research, and Sanctuaries Act of 1972 is a vital law for enhancing the quality of the marine environment off our shores. Accordingly, NOAA supports an extension of Title I of the Act. However, we defer to the recommendations of the regulatory agencies administering Title I as to the period for extension and the funding requirements.

NOAA also endorses an authorization extension for Title III. Working under Title III, NOAA has produced a comprehensive study to develop broad conceptual approaches to implement the marine sanctuary program. Guidelines for the program were published in the Federal Register of June 27, 1974, setting forth the overall policies, concepts, and procedures under which the marine sanctuaries provisions are to be administered. Sanctuaries may be established according to these guidelines for five different general purposes: habitat protection; species conservation; research; recreational and esthetic value; and unique features. The nomination of the U.S.S. *Monitor* wreckage site off North Carolina resulted in the designation of the Nation's first marine sanctuary on January 30, 1975. Several other requests are now under consideration. These nominations are being processed by existing capabilities and resources within NOAA, other Federal agencies, and States. However, we believe that appropriated resources are going to be required for Title III beyond the one year extension contemplated under H.R. 5710. Accordingly, it is recommended that Title III appropriation authority be extended through fiscal year 1977 at \$1,250,000 for the transition period and \$10,000,000 for fiscal year 1977.

In addition, although H.R. 5710 does not address Title II of the Act relating to "Comprehensive Research on Ocean Dumping", NOAA believes that this title should be extended through fiscal year 1977. An interagency agreement has recently been concluded between NOAA and EPA concerning baseline surveys and evaluations of ocean disposal sites. In order that these baseline surveys and evaluations may be carried out, NOAA recommends the extension of authorization for Section 204 of the Act through fiscal year 1977. The level is still under review in the Executive branch in connection with preparation of the fiscal 1977 budget.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this report to the Congress from the standpoint of the Administration's program.

Sincerely,

BERNARD V. PARRETTE,
Deputy General Counsel.

DEPARTMENT OF THE ARMY,
Washington, D.C., May 6, 1976.

HON. LEONOR K. SULLIVAN,
Chairwoman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MADAM CHAIRWOMAN: This is in reply to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 5710, 94th Congress, a bill "To authorize appropriations for fiscal year 1976 for the purpose of carrying out titles I and III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended." The Department of the Army has been assigned responsibility for reporting the views of the Secretary of Defense on this bill.

Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532) provides for the Federal regulation of the transportation of material from the United States for dumping into ocean waters, and the dumping of material transported from outside the United States if the dumping occurs in ocean waters over which the United States has jurisdiction or exercises control in order to protect its territory or territorial sea. Section 111 of this Act authorizes appropriations for fiscal years 1973 and 1974 for the purposes of administering the ocean dumping programs established under this title. The Act of October 26, 1974 (Public Law 93-472) amended section 111 to extend its authorization for appropriations through fiscal year 1975.

The purpose of H.R. 5710 is to further amend section 111 of the Act to authorize for appropriations an additional \$1,500,000 for fiscal year 1976. In addition, section 2 of the bill would amend section 304 of title III of the Act, to extend the authorization for appropriations for acquisition, development, and operation of the marine sanctuaries designated under the provisions of this title, for one additional year.

If enacted, the bill would enable the Environmental Protection Agency to continue the ocean dumping programs established under title I of the Act, and it would also enable the Department of Commerce to carry out its program for the establishment of marine sanctuaries under title III of the Act. Accordingly, the Department of the Army, on behalf of the Department of Defense, defers to the views of these two agencies charged with the responsibility for administering the provisions of the Act.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

HOWARD H. CALLAWAY,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the

bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES
ACT OF 1972

(86 Stat. 1052, 33 U.S.C. 1420, 1442 (c), 1444, 16 U.S.C. 1434)

* * * * *

SEC. 111. There are hereby authorized to be appropriated not to exceed \$3,600,000 for fiscal year 1973, [and not to exceed \$5,500,000 for fiscal years 1974 and 1975.] *not to exceed \$5,580,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976),* for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

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SEC. 202. * * *

(c) In [January] *March* of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by him pursuant to this section during the previous fiscal year.

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SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed \$6,000,000. *There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976).*

* * * * *

[SEC. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed \$10,000,000.]

SEC. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, and not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976) to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.

ADDITIONAL VIEWS ON H.R. 5710

While I am in general agreement with H.R. 5710, I have reservations about the manner in which the Environmental Protection Agency is administering the Marine Protection, Research, and Sanctuaries Act of 1972. I regret that these questions were not answered satisfactorily during joint Subcommittee hearings on this legislation last month.

Earlier this year I questioned whether EPA has properly complied with the statement of policy set forth in the Act, which sought to prevent, or at least strictly limit, the dumping into ocean waters of any materials which would adversely affect human health, welfare or the marine environment, ecological systems, or economic potentialities. It is questionable whether EPA has used previously authorized funds properly to promote statutory policy objectives. EPA may be proceeding toward a goal which is not compatible with the original marine protection legislation.

EPA has announced a policy allowing the continued dumping of sewage sludge in the Atlantic Ocean by the cities of New York and Philadelphia. This directly conflicts with policy statements made by former administrators of EPA before this and other committees of the Congress. The second annual report issued by EPA devotes far more space to the discussion of the establishment of guidelines which permit ocean dumping than it does in determining the manner in which EPA will seek to terminate ocean dumping which is inimical to the marine environment.

During the course of the Subcommittee hearings EPA witnesses made several statements which are inconsistent with the policy mandate expressed by Congress and with previous statements made by EPA officials. On April 24, 1975 an EPA official states:

Within the limits of existing statutory authority we feel that we must seek out and require the use of the most acceptable environmental alternatives for the disposal of waste residues for which additional treatment is not feasible or will not yield significant environmental benefits. . . . We feel that the ocean disposal of sewage sludge whether by dumping or by fallout can be permitted only on a interim basis until it is conclusively demonstrated that ocean disposal sewage sludge is the *most acceptable environmental alternative* available for ultimate disposal within the limitation of available technology. [Emphasis added.]

I contrast this statement with a statement made by former EPA Administrator William Ruckelshaus in testimony before Congressional Subcommittees in which he pledged that EPA would apply the proposed ocean dumping law to discontinue the ocean dumping of sewage sludge "as soon as possible" and to allow "no new sources of such

dumping." The question which must be addressed by this committee and by the Congress is whether or not we intend to prevent dumping into the ocean waters or whether we will allow it to continue if it is deemed to be "the most acceptable environmental alternative."

EPA is not adhering to the intent expressed by Congress. It is quite possible that its present administration of the Act may be in violation of existing law. It is my understanding that this Committee may hold extensive oversight hearings regarding the administration of the Marine Protection, Research, and Sanctuaries Act by EPA. It is my hope that such hearings can be scheduled quickly in order to clarify the murky status of this legislation's fate in the hands of EPA.

Bob Bauman.

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